



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

03-123
CGB

MAY 3 2005

Control No. 0500765-DRO

Mr. Michael Bodak
10208 Waseca Avenue
Las Vegas, NV 89144

DOCKET FILE COPY ORIGINAL

RECEIVED

JUN 08 2005

Federal Communications Commission
Office of the Secretary

Dear Mr. Bodak:

Thank you for your letter of March 22, 2005, to Senator Harry Reid, expressing your concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS). Your correspondence was forwarded to the Federal Communications Commission's (Commission or FCC), Consumer & Governmental Affairs Bureau (the Bureau) for handling.

Your letter states that the FCC has taken steps that degrade the quality of VRS, including cutting the VRS reimbursement rate which you state is the reason wait times to reach a VRS interpreter have increased and VRS is no longer available 24 hours a day. Your letter also states that the FCC has ruled that VRS providers cannot provide ASL to Spanish translation for VRS calls, and cannot leave video voice mail messages for deaf persons.

We very much appreciate your views. First, as a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2005 to June 2006 Fund year, NECA submitted a proposed VRS compensation rate of \$5.924 per minute which was released for public comment in a Public Notice on April 28, 2005 (DA 05-1175).

Some of your concerns may stem from the fact that VRS is not a mandatory form of TRS. Under FCC rules, there is currently no requirement that non-mandatory forms of TRS be offered on a 24/7 basis. However, the Commission's rules do not prevent VRS providers from offering the service on a full-time basis, and if they choose to do so they will be compensated from the Interstate TRS Fund. In fact, the Commission understands that some providers are now offering VRS on a 24/7 basis.

No. of Copies rec'd 2
List ABCDE

The Commission continues to monitor issues related to VRS, as reflected in the Further Notice of Proposed Rulemaking (FNPRM) released on June 30, 2004 (FCC 04-137), seeking comment on various matters concerning the provision, regulation, and compensation of VRS. The FNPRM raises issues related to those you have raised in your letter, including whether VRS should become a mandatory form of TRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. The Commission sought further comment on the speed of answer rule with a Public Notice (DA 05-339) released on February 8, 2005. These issues will be addressed in a future order.

With regard to your concerns over video voice mail, the Commission released a Public Notice (DA 04-2062) on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. The Commission will address the matter in a future order. However, Commission rules do not prevent VRS providers from offering this service to its users without being reimbursed from the TRS fund. The Commission understands that several VRS providers are currently offering various forms of VRS Mail.

As for ASL to Spanish translation, in response to Petitions for Reconsideration filed with the Commission asking that the Commission reconsider its decision not to authorize reimbursement for ASL to Spanish TRS calls, a Public Notice (DA 04-3266) was released on October 15, 2004, seeking comment on the Petitions. This matter will also be addressed in a future order. As with VRS Mail, nothing prevents VRS providers from offering this service without being reimbursed.

We encourage you to actively participate in proceedings before the Commission to ensure that your opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe to and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, you should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

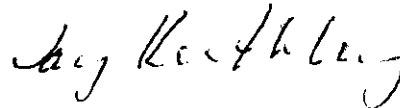
You are also invited to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

Mr. Michael Bodak

Page 3

A copy of your correspondence has been placed in the public record for all of these proceedings. The Commission appreciates your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jay Keithley".

Jay Keithley
Deputy Bureau Chief
Consumer & Governmental Affairs Bureau

cc: Senator Harry Reid

HARRY REID
NEVADA

DEMOCRATIC LEADER

United States Senate
WASHINGTON, DC 20510-2803

April 4, 2005

Ms. Diane Atkinson
Federal Communications Commission
445 12th Street, S.W., Room 8-C453
Washington, D.C. 20554-0001

Dear Ms. Atkinson:

Enclosed is a letter I have received from Mr. Michael Bodak.

I would appreciate your reviewing this situation and providing answers to my constituent's concern. Please send your reply directly to Mr. Bodak, and send a copy of your response to me.

Thank you for your cooperation and assistance.

My best wishes to you.

Sincerely,


HARRY REID
United States Senator

HR:sc

11 APR 2005 ROUTED
OFF
CONST INFO -
TKS
765

View e:\emailobj\200503\10\322103345.txt

From: terp4asl@cox.net
Date: 3/22/2005 10:32:40 AM
To: webmail@reid-iq.senate.gov
Subject: www_email

Tuesday, March 22, 2005

Senator Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, DC 20510-0001

Dear Senator Harry Reid,

The Americans with Disabilities Act mandates the FCC to ensure that deaf and hard of hearing persons have access to functionally equivalent telecommunications services, through Telecommunications Relay Services (TRS). One such form of TRS is Video Relay Service (VRS).

VRS is an Internet based service which allows deaf, hard of hearing and speech disabled persons to make telephone calls in their natural visual language - American Sign Language (ASL) -- by use of a high speed data line and either a video phone or a personal computer equipped with a video camera.

VRS is more functionally equivalent to the telephone service available to hearing persons because it allows for language inflection and non-verbal cues that are impossible to achieve through traditional text-based TRS.

More importantly, VRS allows a conversation to proceed at its natural speed, while text-based TRS conversations can take several times as long. This often leads hearing persons, especially businesses, to refuse relay calls or to hang up upon receiving a call.

The FCC recognized VRS as a form of TRS as authorized by the ADA in 2000. However, recently, the FCC has shown what can at best be considered indifference to the service. Specifically, in June of 2003, the FCC cut the reimbursement rate for VRS upon 12 hours notice by more than 50 percent.

Prior to the rate cut, VRS was available 24 hours a day. Now it is not.

Prior to the rate cut, deaf and hard of hearing individuals were able to connect with an interpreter after a few seconds wait. Now wait time regularly exceeds a minute, sometimes as long as 20 minutes.

You would not tolerate such shabby service through voice telephony. Why should deaf and hard of hearing persons accept any less? Then in June of this year, the FCC cut the VRS payment rate again.

Officials at the FCC have attempted to blame the long wait times on the growing demand for VRS, not on its rate cuts. Perhaps that is a contributing factor, but it completely fails to explain why we no longer have 24 hours service available.

Moreover, the FCC has taken other recent steps that degrade VRS service. The FCC has ruled that VRS providers cannot provide ASL to Spanish translation on a VRS call. In addition, while the FCC requires that text-relay providers allow deaf persons to retrieve voice mail or messages from an answering machine, the FCC has yet to allow VRS providers to leave video voice mail messages for deaf persons. Thus, deaf and hard of hearing persons, as VRS users, have no way to receive a message via VRS which is functionally equivalent to the voice mail you can receive via your voice telephone service.

There are more than 28 million deaf and hard of hearing persons in the United States. While not all of us are fluent in American Sign Language and use VRS, the FCC's refusal to carry out its responsibilities under the ADA is unacceptable.

I am asking you to take action to ensure that the FCC to fulfill its responsibilities under the ADA to make functionally equivalent telecommunications service available to deaf, hard of hearing and speech disabled persons by adequately funding the service and authorizing Video mail service and ASI/Spanish translation. If the FCC refuses to do so, I am asking you to support legislation that would require the mandate of the ADA be fulfilled.

Sincerely,

Michael Bodak
10208 Waseca Ave
Las Vegas, NV 89144

==== Original Formatted Message Starts Here =====

<APP>SCCMAIL
<Send</>
<PREFIX>M.</PREFIX>
<FIRST>Michael</FIRST>
<MIDDLE></MIDDLE>
<LAST>Bodak</LAST>
<ADDR1>10208 Waseca Ave</ADDR1>
<ADDR2></ADDR2>
<CITY>Las Vegas</CITY>
<STATE>NV</STATE>
<ZIP>89144</ZIP>
<PHONE></PHONE>
<EMAIL>terp4asl@cox.net</EMAIL>
<ISSUE>OTHER</ISSUE>